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ABSTRACT

In focusing on the epistemology of journalism, this paper seeks to determine how reporters, particularly investigative reporters, know what they know. It begins by distinguishing between the validity of knowledge claims and their everyday justification, assuming the latter to be the proper focus for a phenomenological study of what passes as knowledge among journalists. The paper then examines the investigative process as practiced by a distinguished reporter, and concludes that although the process may verify knowledge claims it does, by increments, justify the telling of a story that embodies those claims. It recounts the phases of justification: (1) a tip is selected if it may lead to a potentially productive investigation; (2) evidence is collected, not to prove the story but to justify the assembly of a story that can be further scrutinized; and (3) the story is tested by assembly to determine if the components validate each other and the story. The paper suggests that if a story, once assembled, cannot be disconfirmed, it emerges from the process as fully justified. The paper concludes that it does not seek to promote the process of justification as the best model for investigative reporting, but rather presents the process as a practical human achievement and a workable procedure for accomplishing practical tasks. (Author/CRH)

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Qualitative Studies Division

ON THE EPISTEMOLOGY OF INVESTIGATIVE JOURNALISM

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ON THE EPISTEMOLOGY OF INVESTIGATIVE JOURNALISM

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ABSTRACT

We focus on the epistemology of journalism--how reporters, investigative reporters in particular, know what they know. We begin by distinquishing between the validity of knowledge claims and their everyday justification; we take the latter to be the proper focus for a phenomenological study of what passes as knowledge among journalists. We then examine the investigative process as practiced by a distinguished reporter and conclude that the process may or may not verify knowledge claims but does, by increments, justify the telling of a story which embodies those claims. Thus, in the first phase of the process of justification a tip is selected to begin the trek toward becoming a story if it can be, not verified as true, but rather justified as a potentially productive investigation. In the next phase, evidence is collected with the notion, not that evidence will prove the story, but rather that a "preponderance of evidence" will justify the assembly of a story which can be further scrutinized. In the final phase of the process, the story is tested first by the process of assembly itself--insofar as the "pieces of the puzzle" fit together the pieces (i.e. items of evidence) validate each other and, in turn, the story itself. Finally, if the story, once assembled, cannot be disconfirmed it emerges from the process as fully justified. In explicating this process of justifcation we seek not to promote it as the correct or best model for investigative reporting. Rather we seek to appreciate it as a practical human accomplishment, a workable procedure for getting on with the practical tasks at hand.

ON THE EPISTEMOLOGY OF INVESTIGATIVE JOURNALISM

In contrast to the etymology of "muckraking," a term originally and still occasionally used pejoratively to underscore the shady side of journalism, "investigative reporting" gleans its meaning from reporters themselves and thus enjoys an unmistakably honorable connotation. At least since All the President's Men, where Carl Bernstein and Bob Woodward chronicled their efforts to expose corruption in the Nixon White House, investigative reporting has come to mean journalism of the highest order. Even when it falls short of its ideals, investigative reporting invokes the respect of journalists because it signifies an extraordinary enterprise, a special confluence of time, talent, and resources.

While some data and considerable commentary exist on the status of investigative reporting (Dygert, 1976; Downie, 1976; Behrens, 1977), and while several new text books endeavor to explain how reporters "do" investigative reporting (Anderson & Benjaminson, 1976; Williams, 1978; Bolch & Miller, 1978; Mollenhoff 1981), little has been done to use investigative reporting as an opportunity to examine what is distinctive about the "best" journalists doing the "best" journalism. In an effort to begin to develop an appreciation for the peculiarities of investigative journalism, this study focuses on how investigative reporters accomplish the fundamental and very practical task of knowing what they know. Specifically, our objective is twofold: (i) to review what is known about how daily reporters know what they know, and (ii) to contrast that with what we have learned about how investigative reporters know what they know. Ultimately, our goal is to shed some light on what counts as knowledge for

investigative reporters, and to suggest why and how the knowledge claims of investigative reporters can be distinguished from the knowledge claims of daily reporters.

News and the Knowledge Claims of Journalists

Often no meaningful distinction exists between the study of news as knowledge, which focuses on how news contributes to the social construction of reality, and the study of the epistemology of journalism, which concerns itself with how journalists know what they know. For Gans (1979), Tuchman (1978), Gitlin (1980), Fishman (1980), Roshco (1975), and others whose work takes a broad sweep across, as Gitlin (1980:15) puts it, "the nature, sources, and consequences of news," the distinction blurs because a bonafide "sociology of knowledge" requires both an understanding of what passes as knowledge as well as an appreciation for how the mechanisms for distributing knowledge impinge on "the concrete social environment of a concrete group in a concrete historical situation" (Schutz, 1962:149).

If "sociology of knowledge" requires such an encompassing definition, as Berger and Luckmann (1966) insist, then what we intend here is only an aspect of a sociology of knowledge: a "sociology of epistemology." First, by "sociology of epistemology" we mean to underscore the scope of our study: we will limit ourselves to a study of how journalists know what they know. And second, by "sociology of epistemology" we mean to differentiate between a philosophical examination of epistemology, for which we disclaim any pretension, and a phenomenological examination of epistemology. A phenomenological

study of the epistemology of journalism is a study of what journalists regard as acceptable knowledge claims; it is not an effort to determine whether journalists' knowledge claims are valid assertions. Specifically, our interest in the epistemology of journalism is an interest in (i) what counts as empirical evidence and (ii) how that evidence becomes a justified empirical belief--ergo, a knowledge claim about the empirical world.

Although, technically, empirical beliefs, in the form of propositions, are verifiable assertions about the empirical world, it is important to distinguish between their verification and their justification. Verification has to do with the validity or veracity of an empirical belief; thus propositions are either true or false, depending on whether their denotation or extension is actual or existent and ultimately testable by experience (Lewis, 1946:35-70). For example, the proposition "the stove is hot" expresses a belief about a state of affairs independent of the proposition itself; it denotes a "hot stove." To verify the proposition--and to determine whether it is true or false--we need only to touch the stove. To justify the proposition, however, is a very different matter.

To justify a proposition requires that we identify the grounds for our belief--i.e., the evidence in support of our belief and the reasons for accepting that evidence. It might be, to stay with the same example, that we observed a kettle of boiling water and took that as evidence of a hot stove. It was acceptable evidence because experience has taught us that kettles of water boil on stoves when stoves are hot. A reasonable justification, perhaps--but surely no guarantee that our belief is valid or true. A justified belief, obviously, need not be a valid or true belief--something other than a

hot stove might have caused the water to boil. And, conversely, a verified or true (valid) belief need not be a justified belief--it might have been a lucky guess.

What, then, qualifies as knowledge? Philosophers ordinarily define knowledge as a "justified true belief," where the truth of the belief as well as its proper justification are regarded as the necessary conditions of knowledge (O'Connor and Carr, 1982). Phenomenologists, however, bypass the obdurate question of "genuine" knowledge and focus instead on "whatever passes for 'knowledge' in society, regardless of the ultimate validity or invalidity (by whatever criteria) of such 'knowledge'" (Berger and Luckmann, 1966:3). Accordingly, we intend to keep clear of the question of validity--whether journalists' knowledge claims are adequately verified, or whether they could or should be verified.

Our inquiry, then, underscores the importance of the conditions of justification, where by justification we mean, following Lyne (1981), a discursive process through which beliefs "become justified." Thus, we presuppose no absolute or objective standard for justifying a belief; indeed, we view the term "justified" as a participle, not an adjective: a justified belief is nothing more or less than a belief "that has been shown to be legitimate within a context of justification" (Lyne, 1981:148).

The knowledge claims of journalists, therefore, depend on --and vary according to--the conditions of justification under which journalists operate. And the conditions of justification do indeed vary, as we might reasonably infer from the work of Tuchman (1973) and Fishman (1980), as we move from one kind of journalism to another.

From Daily to Investigative Journalism

As Tuchman (1973) found in her study of the routines of reporting, journalists organize themselves differently and allocate resources differently as they move from one kind of news story to another; they "typify" the work they do, in Tuchman's (1973:117) words, "along dimensions that reflect practical tasks associated with their work." Although the typifications identified by Tuchman--hard news, soft news, spot news, developing news, and continuing news--coincide with the "categories of news" identified by the reporters Tuchman studied, the distinction between "typification" and "category" is an important one: "category" denotes a "classification of objects according to one or more relevant characteristics ruled salient by the classifiers" but "typification" implies a phenomenological orientation, a "classification in which relevant characteristics are central to the solution of practical tasks or problems at hand and are constituted in and grounded in everyday activity" (116-117).

One of the key attributes of Tuchman's five typifications is "scheduling": how an event will be treated as news depends to a large extent on an event's "scheduling characteristics." Indeed, the scheduling characteristics of an event become a useful way to understand how journalists distinguish between "hard" and "soft" news. Whereas hard news tends to be unscheduled (an unexpected event--a fire) or prescheduled (an expected event whose scheduling is controled by its convenors--a legislative debate), soft news tends to be nonscheduled (journalists retain complete control over when the "event-as-news" will be disseminated--a profile of a prominent citizen). Significantly, the only time a nonscheduled event qualifies

as hard news is in the case of "investigative reporting."

Although both "daily" reporters and "investigative" reporters concern themselves with hard news, the characteristics of hard news are very different as we move from daily reporting to investigative reporting. Because the hard news produced by investigative reporters tends to be less timely than the hard news produced by daily reporters, and because investigative reporters are able to utilize more and better resources than their daily counterparts, the hard news of the investigative reporter can be distinguished not only on the basis of its scheduling characteristics but on the rigors of inquiry to which it is likely to be subjected.

But do the rigors of investigative journalism yield knowledge claims unlike the knowledge claims of daily journalism? Are the methods of investigative reporting a substantial departure from what Phillips (1977) describes as the primitive empiricism of daily reporting? Whether in fact investigative reporters go about doing journalism in ways that imply a unique or at least a distinctive epistemology is a question best answered in contrast to what is known about the epistemology of daily reporting. And an understanding of the epistemology of daily reporting might well begin with an appreciation of what Fishman (1980:27-44) portrays as the principal object of daily journalism: the beat system.

The Conditions of Justification for Reporters

Fishman (1980:28) defines daily journalism's beat system as "a complex object of reporting consisting of a domain of activies occurring outside the newsroom." As a resource for "routinizing the unexpected," to borrow one of Tuchman's phrases, the beat system i

essentially an organizing tool: it establishes a rationale for allocating editorial personnel and, by so doing, it identifies the most appropriate--and by inference, the least appropriate--sources of information (Sigal, 1973; Tuchman, 1973; Fishman, 1980). At least among American daily newspapers, the beat system flourishes as the dominant mode of news coverage; as Fishman reminds us, "the beat system of news coverage is so widespread among established newspapers that not using beats is a distinctive feature of being an experimental, alternative, or underground newspaper" (27).

In concept, beats fall into one of two broadly distinguishable categories: locational, such as city hall, the police department, and the courts, or substantive, such as law, medicine, and education (Gans, 1979:144). In practice, however, virtually all beats are locational, since only locations can offer daily reporters what they need most: "a steady stream of timely information" (Roshco, 1975:64). To be sure, these locations account for what Tuchman (1978:23) saw as the "net like formation of the dispersion of reporters," a spatial pattern to which Tuchman applies her "news net" metaphor:

> There is a significant difference between the capacity of a blanket and that of a net to gather fodder for daily newspaper columns and television air time. Each arrangement may capture fresh information daily, thus confirming and reinforcing the old adage "old news is no news." (News grows stale like bread and cakes; it is a depletable consumer item.) But a net has holes. Its haul is dependent upon the amount invested in intersecting fiber and the tensile strength of that fiber. The narrower the intersections between the mesh--the more blanketlike the net--the more can be captured (21).

Daily reporters not only know where information can be found, as the news net metaphor suggests, but they know when to find it. The spatial pattern of the dispersion of reporters, Tuchman (1978:41-42)

found, is augmented by the tempo or rhythm of the newsroom: "Just as reporters seek central spatial locations to find potential news events, so, too, reporters are temporally concentrated." Thus the production of news, particularly as news is produced on a daily basis, becomes spatially and temporally synchronized with the very beats to which reporters are assigned.

A well developed system of beats, then, is a remarkably efficient method for deploying personnel and gathering information: if reporters cannot know what will be news each day, they can at least know where and when to find it. As a practical matter, beats are efficient to the degree they can accommodate the exigencies of news by establishing standards for the selection of sources. Put another way, the efficiency of the beat system rests on its capacity to circumscribe how reporters will know what they know, an achievement inextricably wedded to what journalists will know. Sigal (1973:46) sums it up well: what journalists "know depends to a considerable extent on whom they know, which, in turn, depends on where they are."

The Knowledge Claims of Daily Reporters

For daily reporters, the empirical beliefs (propositions) they glean from the beats they cover are ordinarily accepted as face value. As a practical matter, the scheduling characteristics of hard news--at least the hard news with which daily reporters must contend--leave reporters little time for verification. And as a matter of principle, the very idea of verification often implies conduct inimical to the canons of objective reporting (Tuchman, 1972; Roshco, 1975).[1] Accordingly, daily reporters strive for accuracy, not veracity: they

will report propositions "fairly" and "accurately" but they will neither assess nor attest to the veracity of what is reported.

If the veracity of a proposition does not justify its publication, what standards of justification do daily reporters use? Following Fishman (1980), who provides a detailed and insightful examination of the news production process, the credibility of a proposition is the justification for its publication.[2] And the credibility of a proposition is established by the very bureaucracy through which it appears:

> Information which is bureaucratically organized, produced, and provided is hard fact; it is the stuff that makes up straight reporting. Any other kind of information... does not have the character of hard fact; it is the stuff that makes up interpretive reports or news analysis (92).

Fishman offers two mutually auxiliary explanations for the acceptance these bureaucratic accounts find among daily reporters. One explanation focuses on what Fishman describes as the "socially sanctioned character of the bureaucrats' competence to know" (94-95); the other focuses on the performative character of bureaucratic documents and proceedings (95-100).

At least within the domain of their beaurocracy, bureaucrats appear to the daily reporter as self-evidently competent knowers. The daily reporter not only views bureaucrats "as having a special vantage point from which they can observe events" (Fishman, 1980: 95), but the daily reporter also views bureaucrats as socially and politically "authorized" to know what they know. Moreover, bureaucrats are authorized to know what they know by virtue of their status or position in society, which no doubt enhances to their appeal as "efficient" sources of information: "it always remains easier,"

Gouldner (1976: 122-123) reminds us, "to publish accounts consonant with those offered by the managers of social institutions--accounts which thereby reinforce conventional definitions of social reality and the existent system of stratification."

Bureaucratic proceedings (e.g., a city council meeting) and bureaucratic documents (e.g., a deed) are similarly credible, due in large part to their "performative" nature. With an acknowledging nod to J.L. Austin (1961, 1971), Fishman defines performatives as utterances that "do something rather than merely say something"; performatives, it follows, "cannot be true or false because they are things in themselves and not statements about things" (1980: 96-97). For the daily reporter, therefore, a bureaucratic account of something becomes something: "a lease is the leasing of property" or "an insurance policy is the insuring of valuables" (98).

Bureaucratically credible accounts thus find acceptance among daily reporters not ony because journalists ordinarily "participate in upholding a normative order of authorized knowers in the society," but because to treat bureacratic accounts as factual "is also a position of convenience" (Fishman, 1980: 96). In short, daily reporters are predisposed to accept bureacratic accounts largely because the very organization and structure of newswork define bureaucracies--especially public an established bureacracies--as "the appropriate site at which information should be gathered" (Tuchman, 1987: 210); these are the very beats to which daily reporters are assigned.

The beat system is as efficient as it is, therefore, because it offeres the daily reporter pre-justified accounts of "what is." While the beat system may reduce daily journalism to the coverage of mere appearances,[3] it enables the reporter to operate under conditions of

justification that usually require no independent analysis or evaluation of what passes as knowledge. Ultimately, the daily reporter's abiding faith in the authority of bureaucratically credible accounts translates into the kind of empiricism Bernstein (1976: 112) calls "objectivism": "a substantive orientation that believes that in the final analysis there is a realm of basic, uninterpreted, hard facts that serves as sthe foundation for all empirical knowledge."

The Knowledge Claims of Investigative Journalism: A Case Study

We now offer a case study of the conditions of justification as they exist for the investigative journalist. We focus on a particular investigative team, a unit within the CBS-affiliated television station of a top twenty market. The Unit is composed of two reporters, a researcher and several clerical workers and student interns. It is under the supervision of the station's director of public affairs who also supervises a documentary production unit.

The investigative unit produces four to six stories a year using the "I-Team" mini-documentary format (i.e. five segments each of about five minutes, running in five consecutive nightly newscasts). The topical focus of the I-Team's stories is clearly wrong-doing of various sorts. Indeed, the Team has clearly articulated its investigatory charge in the form of a "manifesto" which each member can recite with only slight variation. Here is one reporter's version:

> The manifesto is, if I can remember it in its original language, "through standard and professional journalistic techniques to investigate and report (with the intention of gaining results) heretofore unknown facts regarding unsolved crime or political corruption which affects the community (and) which others seek to keep secret."

The format and the topical focus of the I-Team distinguishes it from the documentary unit which produces hour-length programs on social issues such as the rise of religious cults and the social status of children. The two units do, however, share a track record of outstanding broadcast journalism as recognized by a large number of regional and national awards including several du Pont/Columbia and Peabody awards.

Our method in the study of the I-Team was the intensive interview. In these interviews we asked each of the Team members to outline the investigative process and to exemplify the process with one or two recent investigations. Members were asked to pay special attention to when in the course of an investigation they were required to decide whether or not information was true and to how they made that decision. In these interviews one reporter emerged as the most enthusiastic and articulate of the interviewees. This reporter is active in the Investigative Reporters and Editors (IRE) organization and had lobbied the station management for the formation of the investigative unit. Indeed as we shall see, this reporter had given substantial thought to the problems and processes of investigative journalism and our study focuses on his thinking on the subject.

This study, then, attempts no generalizations about the investigative journalist's conditions of justification, but rather attempts an appreciation and interpretation of the work of a highly skilled and thoughtful practioner. As with Newcomb and Alley's (1982)

appreciation and interpretation of the work of mass communicators in another setting--television producers working in Hollywood--we view the interview material as "merely another text. Like other texts it must be interpreted and not merely accepted and applied." We thus seek not merely to describe what an investigative reporter does but rather to understand and interpret how he makes sense of what he does.

The Process of Justification

The knowledge claims of the daily reporter, as we have argued, are pre-justified. Insofar as the daily reporter produces stories originating in the news net--that is, works within the generally accepted conditions of justification of daily journalism--the knowledge claims in the stories will not necessarily be verified but will be justified citing bureaucratically credible sources and following the other conventions of objectivity. The knowledge claims of the investigative reporter and his colleagues, however, are not prejustified in this way. Indeed, their stories usually arise outside the news net and may even cite bureaucratically incredible sources. Our case study focuses on how one investigative reporter along with his colleagues confronts this problem. We find that this reporter does indeed operate under conditions of justification, conditions which justifies, to himself at least, the knowledge claims embodied in his stories. Further, we find that this process of justification has three distinguishable phases:

1. Processing tips into full-fledged investigations:
2. Collecting and weighing the evidence:
3. Assemblying and evaluating the story.

These three phases coincide with and reflect several of the steps identified by Bantz et al. (1980) in the production of daily reportage by a local television station. The phases identified here, however, are not descriptions of television news production routines but rather of the phenomenology of those routines. They are attempts to describe how the reporter thinks about the epistemological tasks which confront him at each of the steps.

Phase I: Processing tips into full-fledged investigations

The I-Team's stories begin with tips. A story about the fraudulent sales tactics and shoddy work of a basement waterproofing firm, for example, began with a call from an unhappy customer. The firm's refusal to deal with the complaint lead to a brief story by the station's consumer affairs reporter which, in turn, generated a call from a former salesman for the firm who was willing to discuss the sales tactics. The researcher who is responsible for handling the unsolicited tips estimated that he handles about 25 such tips a week. Of these, he opens a file on one or two of them for further inspection by the Team's reporters.

The researcher and then reporters screen the tips on several criteria and select those to be "pitched" to entire Team at one of its regular meetings. Here is the reporter's description of the process:

> (You) get a phone call and someone lays out an incredible story for you on the phone. You have absolutely no substantiation for the story, but you may run in the next room and say, "Hey, just got a call and if this thing is right we've got September. Let's pitch it Monday morning at nine and in the meantime, this weekend, I'll work to get some more stuff sourced out on this thing to see if it's real."

> By Monday you may find out it was not real, or you may find that it is real but impossible to do. You may find out that it's real, perfectly do-able, but will have no effect and doesn't matter to anyone whatsoever.
>
> There are a million things you could find out between your initial idea or the initial discussion and the point you pitch it. But generally you'd give it a week I guess. A week of work before you'd mention it to anyone in a formal way. What usually happens (then) is some table talk in the conference room in a staff meeting. You go around the table and say, "What are your ideas? What have you got?"

In "pitching" the story to his supervisor and colleagues the investigative reporter must be able to show that the tip can meet three criteria. The tip must be (1) "real", and (2) "do-able", as well as (3) promise to result in a story which has an "effect." The criterion of "effect" is akin to the daily journalist's judgment of news value. While this is a key component of news judgment for the investigative journalist, just as for the daily reporter and editor, it does not bear upon the truth of the story and is, therefore, not of central concern here. The other two criteria are, however, of concern. In practice, meeting the criterion of "real" does not require proof that the story implied by the tip is, in fact, true but merely the display of some additional evidence to that effect. There are indeed "a million things" the reporter could do but at this point he need do only enough to show his colleagues that the tip could be real. Meeting the criterion of "do-able" requires the display of some plan for collecting enough additional evidence to make a case for the truth of the implied story. The reporter must convince his colleagues that the tip could be shown to be real. In this first phase of the justificatory process, then, the reporter seeks little verification of the tip and the story implied by it. Rather he seeks justification

for continuing, for converting the tip into a full-fledged investigation.

Phase II: Collecting and weighing the evidence

The tips which meet these criteria to the satisfaction of the investigative reporter and his colleagues become active investigations. So begins the "legwork" of journalistic legend. Textbook authors have made much of this activity with chapters on the techniques of sifting through government records and conducting adversarial interviews and presumably many of the knowledge claims the investigative journalist will make are indeed verified in the course of this effort. For this investigative reporter, however, this activity is certainly a good deal of work but not very intellectually problematic:

> There are some things that are just standard in the trade... Paper, documents, signatures, recordings, anything that captures the fact, that certifies the fact. So, always the first question I ask after some preliminary stuff is there any paper on this?...If there's not, I've got a lot more work to do. I would have to skip the paperwork and go directly to interviews.

This collection of evidence does follow a plan; the reporter, after the preliminary "table talk," must produce a "blue sheet" or plan confirming the "do-ability" of the investigation. The reporter, however, does not emphasize planfulness in his accounts of the collection of evidence. Indeed, he likens the collection of evidence to building "a mound."

The collected evidence, if not disorganized, is as yet unorganized. The evidence is not, however, entirely undifferentiated. Each item of evidence collected together into the mound possesses a property which is critical to the completion of this phase of the

process of justification--a phase which yields justification for the belief that the evidence is sufficient even if unorganized. The property is that of weight:

> The heaviest evidence would be the act itself captured on videotape. The act itself. ABSCAM. Undeniably these people met with these other people and discussed bribes and money changed hands and went into the pocket. That's a big heavy piece of evidence. There's very little more you have to do to substantiate that that thing happened. You can put facts with it, like what time did it happen, what date did it happen, names of the participants, but the act itself happened. That would be what I would call the number one. Secondarily to that kind of video document would be a paper document that outlined the suspected act which was attested to by the parties involved.

The investigative reporter thus outlines a hierarchy of evidence based on the notion of weight, a metaphor which, in turn, reflects the journalist's presumptions about its veracity. Highest in the hierarchy are the artifacts produced in the course of the criminal or corrupt act; things which, as Austin (1961, 1971) notes, are the act. The heaviest evidence is an iconic representation of the act in the form of videotape. In the case of the waterproofing investigation the sales tactics were recorded by hidden cameras. Of somewhat less weight is "paper." In the waterproofing investigation this included training manuals outlining the tactics.

Lower in the hiearchy are the post-hoc accounts of the act. Accounts by participatory witnesses, including confessions, are the heavier sort of account. In the waterproofing investigation these included the statements of the former salesmen. Of somewhat less weight are the accounts by nonparticipatory witnesses. The statements of experts attesting to the shoddiness of the workmanship of the waterproofer is an example of this sort of evidence.

Below such accounts in the hierarchy is material which could best be described as pre-evidentiary--material which is not itself evidence but may lead to evidence. This includes the reporter's "presumptions" as the reporter himself calls them though perhaps "hunches" would be a better term. Of least weight is the "anonymous phone call--as light as you can get."

The investigative reporter's list of information to be gathered is distinguished from the daily reporter's list less by what is on it than by the hierarchical organization of the list. For the daily reporter the weight of the evidence is less important, if not totally irrelevant, when the stories originate in the news net and employ bureaucratrically credible "paper" and accounts. All such evidence is heavy evidence. For the investigative reporter, however, the weight of the evidence is critical because the stories arise outside of the news net (indeed, they begin with the lowly hunch or phone call) and may require the accounts of alleged criminals and other such suspect evidence. Not all such evidence is heavy though some is heavier than others.

One other property of the evidence is central to the completion of this phase of justificatory process. That is whether the item of evidence tends to show the story implied by the investigation as true or false; whether the evidence is, in the words of the reporter, "inculpatory" or "exculpatory." Like the daily reporter, the investigative reporter must faithfully seek "both sides." Unlike the daily reporter, however, the investigative reporter does not merely repeat both sides. Rather, the investigative reporter proceeds to <u>weigh</u> both sides:

> It's simply the scales. You take inculpatory evidence and stack it up and you take the exculpatory evidence and stack it up and you have to be very true to yourself. You have to be as vigorous in seeking the exculpatory information as you are in seeking the stuff that's damning. And once gathered, you watch which way it falls. And you say the preponderance of evidence is that this thing occurs in a damning way (but) sometimes there's perfect balance and your investigation continues. You keep going and going and going...It's simply the weight of the evidence.

Using the law as an intellectual resource, the reporter refers to this process of weighing evidence as the "preponderance test," the test used to decide the outcome of civil cases. The reporter uses legal metaphor and imagery often and here the image of the scales of justice is quite real to him. Indeed, he can precisely specify the psycho-physics of evidentiary weight:

> As you go down (the hierarchy of evidence) you need more of each... One non-participatory witness, one piece of material evidence, one document weighs as much as the videotape act.

It would be both an oversimplification and an exaggeration to suggest that all of the available evidence is collected and then weighed as would be the case in a trial. Collecting and weighing evidence is an iterative process which in any particular investigation may be repeated many times. If the scale tips decisively toward the exculpatory evidence or if, after much effort, the scale cannot be made to tip, the investigation is abandoned. If the scale tips decisively toward the inculpatory evidence, the investigation finally becomes a story.

What remains elusive, apparently even to the reporter himself without recourse to examples from specific investigations, is the weight necessary to make the scale tip decisively. It is clear, however, that the reporter expects to find conflicting evidence. Indeed, he must honestly seek out such evidence. If, however, the

preponderance--the weight--of evidence does tend to support the charges of wrong-doing, then the reporter is justified in believeing that he has enough evidence to continue (i.e. convert the investigation into a story).

Phase III: Assembling and evaluating the story

The collected evidence must be assembled into a television news story. While the reporter weighed the evidence in the course of the investigation now he fits the pieces into a story. The reporter invokes the metaphor of the jigsaw picture puzzle and explains how the pieces are assembled:

> Reporter: I use chronology. Number the pieces one through a thousand by date and time and put them together starting with piece one. What happens is often you don't have the full sequence. You have one, two, nine and fourteen, eighty-five and that helps you put it together because you or your boss says you really do need pieces seven and eight here in order to even get the full idea... So you go out and get seven and eight and put that together...
>
> Questioner: What other rules for fitting can you give us.
>
> Reporter: What we call the interlocking directorate schematic. Most stories have them. Those are the relationships of the individuals to each other and to the events. The two together, the chronology and the interlocking directorate analogy gives you a pretty good understanding of whom knew what when, you did what, when, with whom...

It may then be necessary to cycle through the collecting and weighing phases again and again before the necessary pieces are present but eventually they found and the picture puzzle is complete. Because of broadcast time constraints only some of the complete puzzle can be shown to be public:

> We'll just take a frame and move it around until we find a picture that has the most detail and then we will

reshape the picture maybe. Then we will take your puzzle and we will paint a picture from your puzzle. I like your island but it is not in the frame. Let's, in this picture, move the island in a little closer. You have well established the island. Let's move it in right behind the boat.

The reporter does, then, recognize that when he and his colleagues produce the story for broadcast they frame a picture within the larger puzzle which they have assembled. There is even an acknowledgment that the picture can be manipulated--the island can be moved--for best effect. There is, however, no hint that meaning is created, that reality is constructed. Reality--the pieces of the puzzle and their fit with each other--exists "out there." Reality is found and assembled rather than made. This notion of reality as interlocking pieces of a puzzle is quite necessary to the justificatory process because the fit of the pieces provides mutual validation of each piece and, in turn, the picture assembled from them. Accepting the story as true is increasingly justified as more pieces fit.

With the puzzle pieces found and assembled, the picture/story is examined critically.

You turn yourself into a defense attorney and we do that alot... And it's a lot of fun. We take the facts and turn them around on ourselves. We take our techniques and turn them around on ourselves. We see how it plays. What can they say to disprove them. They'll say the guy's out-of-town and I'll say we'll have you found out whether he was in town or not? No, I haven't. We'll get on your horse and find out whether he was in town.

The story is, then, tested by attempting to generate alternative explanations or additional exculpatory evidence which could disconfirm it. In this attempt to develop disconfirmatory material the reporter

may subject the story to another test which he calls "the moral certainty test."

> I like some of the things that they go through in juries. You know, they struck moral certainty from jury instruction a long time ago because it was just too tough a test. Defense attornies would say, "You have to be more convinced of this individual's guilt than you are convinced that there is a God." And people couldn't do it... We have to be morally certain that what we're saying is true. I'm going to give you an example of how that worked in a practical way.

In the example the test was conducted on the key item of evidence (i.e. the account of a participatory witness) in an investigation of a judge who was alledged to have paid children (i.e. underage male prostitutes) for sex:

> Tuesday afternoon I made a phone call to one of the boys that was going to be on the air Thursday, and I said, "I'm coming out to get you." And he said, "What for?" And I said, "I'll tell you later."
>
> Now I had lie detectored these guys, I had them ID (the judge) out of six very difficult photographs of gray-haired, heavyweight, middle-aged men. I had them describe artifacts in the house (bronze and ducks, titles of books on the bedstead), draw maps of the house, and then compare it with people who have been in the house...
>
> I'm getting ready to go here in two days and accuse this judge of some pretty bad things. These kids are going to accuse him. I brought the kid in. It was 8:00 at night. I drove him to the station, and then I said, "Take me to (the judge's) house." He said, "Why?" I said, "I just want you to drive me to (the judge's) house. Do you know where it is?" I said, "You described it, that it's on (a particular street), that it's yellow, that you enter through the back door, with a three-car garage. You've given me all that stuff. I want you to take me there." he says, "OK." Drove right to the house. He's fifteen, the fifteen-year-old. I said, "thanks," and I took him home.

In the course of the investigation of the judge, this witness' story had been corroborated by other boys. Further, this boy had been examined and cross-examined several times by the reporter to assess the internal consistency of his story. This late night ride to the

judge's residence was, however, not merely one more cross-examination. Rather, it is best understood as an exercise in self persuasion--a final attempt to achieve moral certainty made imperative by a tip that the judge was contemplating suicide. This was, then, an attempt to justify the story simultaneously on both epistemological and moral grounds. The term "moral certainty" is, it turns out, very well chosen indeed for it captures the fundamental fusion of epistemological and ethical concerns which the investigative journalist must confront.

Justification and equivocation

A fully justified story is, then, one in which the pieces fit so well that the reporter has become morally certain that he cannot disconfirm it. However, even when the reporter claims to have achieved moral certainty he seems to sense that he has justified the story though not verified it. Even with moral certainty there is equivocation. Specifically, the reporter repeats the denials of the wrong-doer which he is morally certain, presumably, are untrue.

Questioner: Why did (the judge) have the right to defend himself on the air?

Reporter: That's the American way. Balance...

Questioner: Why? If you're sure that a person is guilty of whatever you're accusing the person of, why create any doubt in your viewer's mind?

Reporter: I'm not really concerned about the mental process of the viewer when it comes to making decisions about facts that I present. What I'm concerned about is whether I'm true to some real basic ethical considerations. That's just decency...

Questioner: As long as you have conflicting facts, you do not want to make the truth explicit?

Reporter: No, you can make it explicit. You can make the truth as explicit as facts can make the truth explicit.

Questioner: But you don't want to draw these facts together?

Reporter: You don't want to say, "And this is the truth."

Questioner: Why not?

Reporter: I think that's dangerous... I don't think anybody wants to be told what the truth is.

Questioner: But that's your goal.

Reporter: My goal is to find the truth. OK?

Questioner: Right, and when you find it, you're not going to report it?

Reporter: No, if I find the truth, I'll report it but that means there's no conflicting facts...

Under persistent questioning, then, the reporter indicates an intuitive sense of the distinction between justification and verification. The reporter is comfortable in presenting the facts which justify reporting the story. Yet, in the face of conflicting facts (including the denials of the wrong-doer) the reporter wishes to stop short of saying that these facts <u>are</u> the truth, that the story is, in our terms, verified.

Summary and Conclusion

For the daily journalist, the knowledge claims of interest often arise within a context of pre-justification. For the investigative journalist, however, the knowledge claims of interest often arise outside of this well established and legimated context and are, therefore, epistemologically problematic. In this study we have set aside the problem of verification to focus on how a particular

journalist in concert with his colleagues attempts to cope with this epistemological difficulty by creating conditions of justification suitable to the task at hand. We have conceptualized these conditions as a multi-phase process which by increments does justify the telling of an investigative news story which embodies the problematic claims. Thus, in the first phase of the process, a tip is selected to begin the trek toward becoming a story if it can be, not verified as true, but rather justified as an investigation. In the next phase evidence is collected with the notion, not that evidence will prove the story, but rather that a "preponderance of evidence" will justify the assembly of a story which can be subjected to testing. In the final of the process the story is tested first by the process of assembly itself--in so far as the pieces of the puzzle (i.e. items of evidence) fit together into a picture, the pieces validate each other and, in turn, the story itself. Finally, if the story, once assembled, cannot be disconfirmed it emerges from the process as completely justified. The reporter senses, however, that while he may be justified in airing the story, he will not claim, in the face of conflicting evidence, to have verified the story.

In his articulation of the investigative process, even with all its imprecision and equivocation, this reporter provides an interesting model for coping with the epistemological issues unique to the investigative journalism setting. We do not wish to promote this model as the correct or best model. We do, however, seek to appreciate the model as an accomplishment of a creative individual. Tuchman argues that the routines and rituals of daily reporting represent a practical human accomplishment, a workable procedure for

getting on with the tasks at hand. In the development of this procedure news workers have drawn upon a variety of resources:

> ...the social world provides norms that actors invoke as resources or constraints as they actively work to accomplish their projects. Though this work, actors shape the social world and its institutions as shared and constructed phenomena. Two processes occur simultaneously: On the one hand, society helps to shape consciousness. On the other, through their intentional apprehension of phenomena in the shared social world-through their active work-men and women collectively construct social phenomena. (1978: 182).

The routines and rituals of daily reporting are now so widely accepted and practiced that for some observers it is difficult to see them as anything but the correct, or at least the best available, model for journalism. A single set of procedures for investigative reporting, however, has not yet come to be widely accepted and practiced. The process for creating such procedures from the rules of daily reporting and other intellectual resources (in this case, legal metaphor and other imagery) is exemplified in this study. In attempting to somehow go beyond daily reporting this reporter and his colleagues have shown us something of the same basic intellectual process which has generated the rules of daily reporting and may generate <u>the</u> rules of investigative reporting as well.

[1]Verification is especially problematic when it involves the journalist's own experiences. For no matter how reliable the journalist may be as an observer, when the journalist's observations conflict with the "official" prenouncements of a presumably authoritative source, the tenets of objective reporting require the journalist to disseminate only the source's version. Molotch and Lester (1975), in a case study of what is probably one of the most extreme examples of objectivity interferring with verification, reports that journalists could see and smell a beach polluted by a massive oil spill and yet proclaimed the beach clean because President Nixon arrived at the beach and announced that it had fully recovered from the oil spill.

[2]There is nothing peculiar about journalists acting only on how credible they judge their beliefs to be. As Lewis (1946: 255-257) points out, veracity is often not a very useful criterion for judging the quality of our beliefs, because veracity requires verification and verification requires experience; and experience, all too often, is either impractical or undesirable. Often, therefore, we have little choice but to act on what we have good reason to believe will be true, for what we know is true is too often too limited to be the sole guide for our conduct. Rarely, it follows, is the justification of a belief its verification. More often than not the justification of a belief is grounded in its credibility. Thus the important issue is, Lewis suggests, not whether a belief has been verified but whether its justification can be defended as "rationally credible."

[3]As Gans (1967: 323) found when he studied the nature of the news media's coverage of local government, reporters were inclined "to cover the performing rather than the actual government." Often ignorant of the intricacies of government, a reporter's stories tended to be limited to the government's "decisions and the performances that accompany them."

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